



AGENDA

BLUFFDALE CITY BOARD OF ADJUSTMENT

December 5, 2013

Notice is hereby given that the Bluffdale City Board of Adjustment will hold a public meeting **Thursday, December 5, 2013**, at the **Bluffdale City Fire Station, 14350 South 2200 West**, Bluffdale, Utah. Notice is further given that access to this meeting by Board members may be by electronic means by telephonic conference call. The Agenda will be as follows. Please note that all times listed on the Agenda are provided as a courtesy and are approximate and subject to change.

BUSINESS MEETING (6:00 p.m.):

1. **PUBLIC HEARING, CONSIDERATION, AND VOTE** on a requested variance from the minimum lot width requirement for a proposed two-lot subdivision located at 14659 S 1690 W in the R-1-10 zone. Tamara Mangrum, applicant.
2. Motion to approve minutes of the December 5, 2013, meeting of the Board of Adjustment via e-mail correspondence.
3. Adjournment.

Dated: November 22, 2013

A handwritten signature in blue ink that reads "Grant Crowell".

Grant Crowell, AICP
City Planner/Economic Development Director

In compliance with the American Disabilities Act, individuals needing assistance or other services or accommodation for this meeting should contact Bluffdale City at least 24 hours in advance of this meeting at (801)254-2200. TTY 7-1-1.

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Present:

Members: **Jim Shaw, Chair**
 Nick Berry
 Colleen Dansie
 Van Neilson
 Justin Westwood

Others: **Alan Peters, Associate Planner**
 Gai Herbert, Planning Secretary

Chairman Jim Shaw called the meeting to order at 6:02 p.m.

1. PUBLIC HEARING/CONSIDERATION/VOTE on a Requested Variance from the Minimum Lot Width Requirement for a Proposed Two-Lot Subdivision Located at 14659 South 1690 West in the R-1-10 Zone. Tamara Mangrum, Applicant.

Associate Planner, Alan Peters, presented the staff report and reviewed the location of the site under consideration. He reported that the applicant's lot is 183.35 feet wide. The existing home was built with the intent of eventually building another home on a separate lot. Residential lots in R-1-10 zones are required to be at least 100 feet wide; therefore, the applicant was short by about 17 feet. In April 1999, the Bluffdale City Council approved a subdivision of the lot. The subdivision approval was made possible because the applicant was able to purchase additional neighboring land in order to meet the square footage requirement.

On the same day, the City Council approved a subdivision with similar lot widths immediately to the north which was recorded. Earlier in the year the applicant approached the City about building a residence on the vacant lot. At that time, staff discovered that the subdivision had never been recorded. Because of inactivity on the property, the subdivision expired. The applicant was now requesting to move forward with the originally approved subdivision. The proposed lots will be 89.19 and 96.16 feet wide respectively. The square footage of each of the lots will be over 10,000 square feet, as required in R-1-10 zones. The R-1-10 frontage requirement will also be met.

Mr. Peters reviewed the criteria specified by the State and in the Bluffdale City Ordinance when considering variances. Those criteria were outlined in the staff report. Mr. Peters reviewed the applicant's response to each criterion:

1. Unreasonable Hardship. The proposal was originally approved in 1999 but was not recorded. Prior to that time, water and sewer hook-ups were installed and a home was built on one of the lots. The infrastructure is currently in place to build on the second site. If the variance is not approved, the applicant will be left with a very large parcel of unoccupied land.

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2. Special Circumstances. The applicant is limited by the width of the existing lot. Acquisition of land from neighboring lots was considered but deemed unacceptable because those lots would be out of compliance as well.
3. Substantial Property Rights. The map provided in the staff report shows that there are several pieces of property in the area with lot frontages that are less than 100 feet but approved as legal subdivisions.
4. General Plan and Public Interest. The General Plan calls for low-density residential. R-1-10 zones require a minimum of 10,000-square-foot lots. Both of the proposed lots meet that requirement. The area is fully developed with single-family homes. The unoccupied lot looks like a large vacant lot. The proposed home would fit within the area.
5. Spirit of the Land Use Ordinance. The lot requirement is designed to create a consistent look along the street and to ensure that construction can take place on a lot. The proposed width does not pose concerns about the ability to find a home plan that would be appropriate for the lot and the area. Furthermore, the proposal is consistent with what has already been done in the area.

Mr. Peters summarized that the responsibility now devolves upon the Board of Adjustment to determine if the conditions he has enumerated justifies the variance request.

In response to Colleen Dansie's question regarding the minimum lot size required in R-1-10 zones, Mr. Peters stated that the minimum requirement is 10,000 square feet. All of the land in the area is zoned R-1-10. In response to Van Neilson's question regarding the lots that lie to the east, Mr. Peters stated that they are zoned R-1-43. In response to Colleen Dansie's question regarding the side yard requirements, Mr. Peters stated that the minimum side yard requirement in R-1-10 zones is 10 feet. The current home is 12.84 feet from the proposed property line. On the other side, it is eight feet, which reflects what was originally approved for that home. The proposed lot will not create a situation that is non-conforming.

In response to Van Neilson's request for clarification on the frontage requirements, Mr. Peters explained that the two different issues are width and frontage. The frontage requirement for R-1-10 is only 80 feet. Frontage refers to the portion of the lot that abuts the public street. The frontage needs to accommodate a driveway. The frontage for the proposed subdivision is in compliance. The issue under consideration is the width.

Chair Shaw invited the applicant to speak in her behalf.

The applicant, Tamera W. Mangrum gave her address as 14659 South 1690 West, Bluffdale and stated that when the subdivision was approved in 1999, it was on the basis of 100 feet of frontage. However, because the subdivision was never recorded, she was required to go through the process again.

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In response to Colleen Dansie's question about who would have been responsible for recording the subdivision, Mr. Peters indicated that ultimately it is the City's responsibility to record plats with the County. Beforehand, the applicant has the responsibility to print off the actual mylar for the plat and then obtain signatures from utility companies, obtain a title report, and provide water shares. That documentation is turned over to the City, after which it is recorded. In this situation, staff saw a photocopy of the original plat, which had a few signatures on it, but it never made it to staff to be recorded.

Ms. Mangrum explained that her brother-in-law was dealing with the City portion of the process and helped build her house, but she wasn't certain what happened between him and the City and why the subdivision was never recorded.

In response to Justin Westwood's question regarding the house plan projected for the lot, Ms. Mangrum stated that she does not yet have a house plan. She stated that her son is an architect and will be able to design a house that will fit the property. In response to Van Neilson's question regarding the width of the side yards, Mr. Peters stated that they will be 10 feet. Ms. Mangrum recalled that in 1999 the side yards were eight feet on one side and 16 feet on the other. Mr. Peters indicated that staff has been unable to locate documents that state what the ordinance specified at that time. Furthermore, there is no record of variances approved for the lot widths that exist in the area. Ms. Mangrum identified the property she owns and reviewed the history of the surrounding lots.

In expressing her hope that the variance is approved, Ms. Mangrum reiterated that water and sewer service is already in place. She also stated that if the variance is not approved, she will have a large, useless lot.

Colleen Dansie moved to open the public hearing. Van Neilson seconded the motion. Vote on the motion: Colleen Dansie-Aye; Justin Westwood-Aye; Nick Berry-Aye; Van Neilson-Aye; Jim Shaw-Aye. The motion passed unanimously.

There were no public comments.

Colleen Dansie moved to close the public hearing. Justin Westwood seconded the motion. Vote on the motion: Colleen Dansie-Aye; Justin Westwood-Aye; Nick Berry-Aye; Van Neilson-Aye; Jim Shaw-Aye. The motion passed unanimously.

Van Neilson stated that when he was building houses in the 1980s and 1990s, he built many homes with eight-foot and 10-foot side yards. He did not see a problem with allowing another lot. In fact, he believed it would enhance the neighborhood to develop the vacant property.

Justin Westwood reported that he rented the home directly to the north of the subject property and he has relatives that live nearby. He currently lives in the home on the left. He stated that the lot is unique because of the slope of the property. A four-story home to the north, which he previously rented, has two basements to accommodate the slope. The proposed widths requested are larger than all but one of the properties in the area. He considered the vacant lot to be the

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blight of the street and to develop it would be a good thing, assuming that the plans are within the required setbacks. He expressed his support for granting the variance.

Colleen Dansie stated that her only concern would be compliance with the setback requirements. She was confident that a nice home can be built that will still be in compliance.

Jim Shaw noted that in many cities, the minimum width for R-1-10 zones is 80 feet, so Bluffdale's 100-foot requirement is exceptional. Mr. Peters noted that 10,000 square-foot lots with 100 feet of frontage is a square, and there are not many square-shaped lots in Bluffdale.

Justin Westwood moved to approve the variance from the minimum lot width requirement for a proposed two-lot subdivision located at 14659 South 1690 West in the R-1-10 Zone inasmuch as it meets the following five criteria:

1. **Unreasonable Hardship.**
2. **Special Circumstances.**
3. **Substantial Property Rights.**
4. **General Plan and Public Interest.**
5. **Spirit of the Land Use Ordinance.**

Van Neilson seconded the motion. Vote on the motion: Colleen Dansie-Aye; Justin Westwood-Aye; Nick Berry-Aye; Van Neilson-Aye; Jim Shaw-Aye. The motion passed unanimously.

2. **Motion to Approve the Minutes of the December 5, 2013, Meeting of the Board of Adjustment via Email Correspondence.**

Colleen Dansie moved to approve the minutes of the December 5, 2013, meeting of the Board of Adjustment via email correspondence. Nick Berry seconded the motion. Vote on the motion: Colleen Dansie-Aye; Justin Westwood-Aye; Nick Berry-Aye; Van Neilson-Aye; Jim Shaw-Aye. The motion passed unanimously.

3. **Adjournment.**

The meeting adjourned at 6:30 p.m.

Gai Herbert
Community Development Secretary

Approved: 12/12/13

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Teddie K. Bell
City Recorder